

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**NATHANIEL JOHNSON,  
# B84311,**

**Petitioner,**

**vs.**

**Case No. 17-cv-931-DRH**

**CRAIG FOSTER,**

**Respondent.**

**NOTICE OF IMPENDING DISMISSAL**

**HERNDON, District Judge:**

Petitioner, a prisoner proceeding *pro se*, has filed a habeas corpus action pursuant to 28 U.S.C. § 2254. Despite correspondence from the Clerk, Petitioner has not yet paid the \$5 filing fee for this action, nor has he filed a properly supported motion for leave to proceed *in forma pauperis*. See 28 U.S.C. §§ 1914, 1915.

**IT IS HEREBY ORDERED** that, within **TWENTY-ONE (21) DAYS** of the date of the entry of this Order, on or before **November 3, 2017**, Petitioner shall pay the \$5 filing fee applicable to this action. In the alternative, Petitioner may file a motion to proceed *in forma pauperis*, supported by a certified copy of his prison trust fund account statement for the six-month period immediately preceding the filing of the Petition and an affidavit that includes a statement of his assets. Petitioner is **ADVISED** that in the event he has been transferred among institutions during this six-month period, it is Petitioner's responsibility to obtain

a copy of his prison trust account statement from each such facility and to forward it to the Court. Petitioner is **FURTHER ADVISED** that his obligation to pay the filing fee for this action was incurred at the time the action was filed; such an obligation will exist whether or not Petitioner is granted leave to proceed *in forma pauperis*. 28 U.S.C. § 1915(b)(1); *see also Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

**IT IS FURTHER ORDERED** that upon conclusion of this twenty-one-day period, should Petitioner fail to comply with this order, this case will be closed for failure to comply with an order of this Court. FED. R. CIV. P. 41(b); *see generally Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994).

**IT IS SO ORDERED.**

*David R. Herndon*



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Judge David R. Herndon  
Date: 2017.10.13  
10:57:51 -05'00'

**United States District Judge**